



WEEKLY UPDATE ON HEALTH CARE REFORM

March 5, 2010

The White House commenced a last big push on health care reform this week, as the President called for “putting an end” to the debate with final votes in the coming weeks. Although final action on health care reform seems to have been “imminent” for months now, the negative political consequences for Democrats as each day passes without it lead many to believe final action – one way or the other – is truly coming. The President is reportedly asking for legislation to be on his desk by no later than the Easter legislative recess, which begins the week of March 29.

And he has thrown down the gauntlet on reconciliation. The White House released an outline of a package that includes several provisions pushed by top Republicans at last week’s summit, such as experimental tort reform provisions at the state level, inclusion of HDHP and HSA plans in state exchanges, and undercover efforts to decrease Medicare and Medicaid waste and fraud. The President argued on Wednesday that this plan deserves an “up-or-down vote” like many other important measures have had in the past, such as welfare reform and the Bush tax cuts. Thus, there is little question now that if health care reform moves, this is the path the Democrats will try to take

But a March 29 deadline will be extremely demanding and difficult for Congress to meet. First, it assumes the House will agree to pass the Senate bill. This is a very iffy proposition, especially considering that several members of the President’s own party in the House are threatening a revolt over the Senate bill’s abortion funding prohibition, which they view as too lax in preventing use of federal money for abortion. And enactment of the Senate bill apparently must occur before Congress can even reach the controversial step of using the “reconciliation” procedure to correct many of the flaws in the Senate bill that the House will insist upon. Second, a lot of questions are now being raised about the procedural process itself, and the question of precisely which issues can be handled through reconciliation is subject to much speculation. Not surprisingly, Senate Republicans are busily preparing a host of procedural challenges to block any effort by Democrats to use reconciliation to move health care legislation.

Moderate Democrats and lawmakers in endangered seats are desperate to divert the spotlight from comprehensive health care reform, since mid-term elections are swiftly approaching. So although it remains impossible to predict whether the Democrats or the Republicans will prevail, odds are that we will soon know the outcome.